

1 Minutes of the
2 Bountiful City Council Meeting
3 City Council Chambers
4 November 24, 2009 - 7:00 p.m.
5

6 Present: Mayor: Joe L. Johnson
7 Council Members: Beth Holbrook, John Marc Knight, R. Fred
8 Moss, Scott Myers and Thomas Tolman
9 City Manager: Tom Hardy
10 City Attorney: Russell Mahan
11 City Engineer: Paul Rowland (Arrived 7:30 p.m.)
12 Admin. Services Director: Galen Rasmussen
13 Planning Director: Aric Jensen
14 Department Reps: Allen Johnson, Power
15 Recording Secretary: Nancy Lawrence
16

17 Official Notice of this meeting had been given by posting a written notice of same and an
18 Agenda at the City Hall and providing copies to the following newspapers of general circulation:
19 Davis County Clipper, Deseret News, and Salt Lake Tribune and on the Utah Public Notice
20 Website.
21

22 Mayor Johnson called the meeting to order at 7:00 p.m, following which Talon Talbot,
23 visiting Boy Scout, led the pledge of allegiance to the flag. Mrs. Lawrence offered the
24 prayer/thought.
25

26 **APPROVAL OF MINUTES**

27 Minutes of the City Council meeting held November 10, 2009 were presented and
28 unanimously approved as amended. Councilman Tolman motioned for approval, Councilwoman
29 Holbrook seconded the motion and voting was unanimous in the affirmative. Councilpersons
30 Holbrook, Knight, Moss, Myers and Tolman voted "aye".
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32 **EXPENDITURES AND EXPENSES APPROVED**

33 Mayor Johnson presented the Report of Expenditures and Expenses Greater than \$1,000
34 for the following periods, with respective totals: October 29 - November 4, 2009 (\$191,390.56);
35 November 5-11, 2009 (\$428,832.15); and the Summary for the Month of October, 2009
36 (\$4,155,455.53). Following a short discussion, Councilman Myers motioned to approve the
37 reports, as presented. Councilman Moss seconded the motion and voting was unanimous in the
38 affirmative. Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted "aye".
39

40 **YOUTH COUNCIL REPORT**

41 Ashlena Nichols (volunteer service) and Camie Knight (youth recorder) were in
42 attendance to report Youth Council activities. Ashlena said that the Youth Council will be
43 involved with the City-sponsored Bar J Wrangler concert on December 2, 2009 and the Breakfast
44 with Santa on December 5th (fund raiser for the Family Connection Center). Camie reported that
45 the Youth Council will be participating with the Light Parade activities on December 4th. They
46 will sponsor a float and pass out candy along the parade route.
47

**PRESENTATION ON CULTURAL ARTS CENTER BY
FFKR ARCHITECTS**

Mayor Johnson reported that he participated in a meeting where the interior finishes of the Cultural Arts Center were presented and discussed and he requested that this presentation be made in Council meeting tonight also. Marbe Agee and Scot VanDyke, representing the FFKR architectural firm, presented schematics, samples and mock-ups of the interior finishes (paint, carpet, architectural designs, etc.), noting that it was based on an organic theme of orchards, fruits and nature representative of rural Davis County. Mr. VanDyke stated that they are hopeful of opening the facility in October 2010.

**JBR CONSULTING SERVICES APPROVED FOR
POWER PLANT UPGRADE**

Mr. Allen Johnson reviewed that in order to meet the approval process with the Utah Division of Air quality (UDAQ) for the power plant upgrade, JBR Environmental Consultants, Inc. (JBR) was contracted to submit a Modeling Protocol in advance of the Notice of Intent (NOI) submittal. The UDAQ has reviewed the Modeling Protocol and has requested additional information. It is the recommendation of staff and the Power Commission that approval be given to extend the contract of JBR to complete the additional consulting work at a cost of \$11,490.00. Councilman Moss made a motion to this effect. Councilman Tolman seconded the motion and voting was unanimous. Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted "aye".

**APPROVAL GIVEN FOR ENGINEERED FILL FOR
138 SUBSTATION**

Mr. Allen Johnson reviewed that existing earth materials around the 138 substation had to be removed and new materials will be added. The Street Department is providing the labor for this project and will work it into their schedule as time permits. An engineered fill is required, as designed by PacifiCorp for these types of soil conditions. Five major rock quarries were contacted; only two responded. It is the recommendation of staff and the Power Commission to purchase approximately 1,600 tons of fill from Lakeview at a unit cost of \$9.75/ton. Councilman Moss made a motion to approve the low bid from Lakeview at the unit cost as presented, with the total amount purchased to be determined by the final amount needed to bring the yard up to the final grade. Councilwoman Holbrook seconded the motion and voting was unanimous. Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted "aye".

DAVE BADHAM RE-APPOINTED TO PLANNING COMMISSION

Mayor Johnson reviewed that David Badham has served on the Planning Commission since May, 2007 and he has agreed to continue his service for a full four-year term, ending on July 1, 2013. As a member of the Planning Commission, he has also served as an alternate member of the Administrative Committee and he has also agreed to continue in this responsibility. Councilwoman Holbrook stated that Mr. Badham has a unique approach for matters considered by the Planning Commission and shares very valuable experience. She made a motion to accept the Mayor's recommendation for continued service. Councilman Knight seconded the motion and voting was unanimous. Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted "aye".

1 **EXCHANGE OF DEEDS APPROVED FOR SMITH-HYATT**
2 **PROFESSIONAL PLAZA, 845 SOUTH MAIN**

3 Mr. Mahan explained that the action being sought tonight is to formalize an arrangement
4 which the City has had with Tom Smith of the Smith-Hyatt Professional Plaza for more than ten
5 years. He reviewed the proposed property exchanges, related to driveways and ingress and egress
6 of the subject properties (as shown on a map). It is the recommendation of staff to approve a
7 mutual conveyance of deeds, as follows:

- 8 1) On the southeast corner of the Smith-Hyatt property, the City will deed to Tom
9 Smith what shows on the County records as a City right-of-way. It is mostly
10 behind the wall and is part of the parking lot.
- 11 2) On the southwest corner of the property, Tom Smith will deed to the City the
12 small piece of land that is within the police driveway.
- 13 3) On the north side of the parking lot, the City will give an easement deed to Tom
14 Smith for access from Main Street across our driveway and into his parking lot.
15

16 Councilman Tolman made a motion to approve the proposed formalization of a
17 previously informal agreement, as explained. Councilwoman Holbrook seconded the motion and
18 voting was unanimous. Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted
19 “aye”.
20

21 **COUNCIL APPROVES CLASS “D” BEER LICENSE AND**
22 **RESTAURANT LIQUOR LICENSE FOR MOXI RESTAURANT/**
23 **DINING CLUB, 1025 SOUTH 500 WEST**

24 Mr. Jensen presented the request of Moxi Restaurant/Dining Club for a Class “D” beer
25 license and a liquor license. He explained that the owners of the Moxi Restaurant/Dining Club
26 are requesting either a Dining Club liquor license OR a Restaurant Liquor license. Due to the
27 size of their building and the floor plan, it is their preference to have a Dining/Club liquor
28 license. This will allow them to sell the liquor in an open area which is contiguous to the
29 restaurant. The Dining/Club license allows a 50/50 mix of food and liquor sales, whereas the
30 restaurant liquor license requires 70 percent food sales to a maximum of 30 percent liquor sales.
31

32 A lengthy discussion followed and Ms. Wendi Lund, representing Moxi, responded to
33 questions and explained the remodeling process which has been done in the building. She
34 requested that approval be given for either license, and then, dependent on which license is
35 available, (based on State apportionment) they would apply for that one. Mayor Johnson stated
36 that he felt the restaurant license was adequate, with a maximum sales of 30 percent for liquor.
37 Councilman Tolman made a motion to approve the Class “D” beer license and the restaurant
38 liquor license and to give local consent, as required by State law. He also recommended that the
39 Dining Club license be denied and requested that the City Attorney prepare an ordinance denying
40 issuance of a Dining Club liquor license in the City of Bountiful. Councilman Knight seconded
41 the motion. Voting was unanimous with Councilpersons Holbrook, Knight, Moss, Myers and
42 Tolman voting “aye”.
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44 **PUBLIC HEARING TO CONSIDER PROPOSED CHANGES TO**
45 **BOUNTIFUL CITY GENERAL PLAN**

46 At 7:58 p.m. Mayor Johnson opened the public hearing to consider proposed changes to
47 the Bountiful City General Plan. Joseph Rust expressed concern that the recommendations made

1 by a citizen committee in a 1974 study were never implemented. He said that prior to making
2 any changes in the existing plan, he would prefer to have input from the property owners
3 regarding transfer development rights and lot size for PUD's. There were no other public
4 comments and the hearing was closed at 8:05 p.m. Discussion followed regarding the Val Verda
5 urban area and how the proposed changes would affect this area.
6

7 Mayor Johnson thanked the Council and Mr. Jensen for the time that has been spent on
8 studying the revision of the General Plan and he thanked Mr. Rust for his comments. No formal
9 action was taken.
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11 **COUNCIL COMMITTEE REPORTS**

12 Kevin Allcott from Colonial Square was in attendance and he thanked the Council for the
13 help that was given to the Colonial Square improvements via the Redevelopment Agency. He
14 invited the Mayor and Council to the grand opening of the Square on December 7th at noon.
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16 The meeting adjourned at 8:23 p.m. on a motion made by Councilman Knight and
17 seconded by Councilwoman Holbrook. Voting was unanimous with Councilpersons Holbrook,
18 Knight, Moss, Myers and Tolman voting "aye".
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23 _____
24 JOE L. JOHNSON, Mayor
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29 KIM J. COLEMAN, City Recorder
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